

COMPTROLLER GENERAL OF THE UNITED STATES

Washington 25 D. C.

B-41606

November 25, 1946

The Honorable,

The Secretary of Commerce.

My dear Mr. Secretary:

I have your letter of October 31, 1946, as follows:

"Provision is made in Paragraph 13 (a) of the Standardized Government Travel Regulations as amended by Bureau of the Budget Circular A-7, revised September 5, 1946, for payment by the Government for the cost of sleeping accommodations superior to a standard lower berth on certification by the traveler that the superior accommodations were the lowest first-class accommodations available at the time of making reservations. The regulations do not include a definition of the term 'lowest first-class' as applied to sleeping accommodations. Your decision is accordingly requested as to whether a lower berth is considered as being the lowest first-class accommodation."

Paragraph 13a of the Standardized Government Travel Regulations, as amended by Budget Circular A-7, revised September 5, 1946, reads as follows:

"13. Accommodations on trains and steamers.---\*\*\*

"One standard lower berth when night travel is involved except that the lowest first-class accommodation available may be allowed on certification by the traveler on his travel expense voucher that, at time reservation was made, the accommodation, if superior to a standard lower berth, was the lowest first-class available, which certification will be accepted as prima facie evidence. When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Government. Where a change of sleeping-car en route is necessary, the traveler should secure the usual transfer check from the sleeping-car conductor for exchange at the ticket office for accommodations beyond the point where the change is made. The use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate may be allowed when required for purposes of security."

That amendment was based upon section 6 of the act of August 2, 1946, Public Law 600, which amended section 10 of the act of March 3, 1933, 5 U.S.C. 73b, to read as follows:

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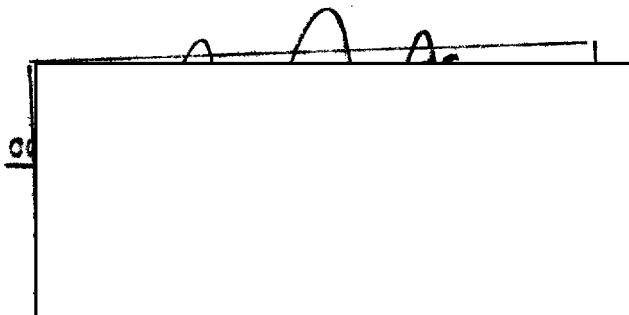
"Sec. 10. Whenever by or under authority of law actual expenses for transportation may be allowed, such allowances shall not exceed the lowest first-class rate by the transportation facility used in such transportation unless it is certified, in accordance with regulations prescribed by the President, that lowest first-class accommodations are not available or that use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate, is required for purposes of security."

Prior to that amendment, section 10 of the act of March 10, 1933, restricted travel at Government expense to the "lowest first-class rate by the transportation facility used," and this office had limited reimbursement for night travel accommodations thereunder to the cost of a lower berth, irrespective of the availability of such accommodations for the particular traveler on the train utilized. In other words, the cost of a lower berth consistently has been regarded as the "lowest first-class rate," as applied to sleeping-car accommodations--except when the expedition of public business required the use of a train made up exclusively of superior accommodations (for example, roomettes), in which case roomettes were considered to be the lowest first-class accommodations by the facility used. See 23 Comp. Gen. 9, 289 and 532. While the present law and regulations are more liberal than theretofore to the extent that the "lowest first-class accommodation available may be allowed on certification by the traveler on his travel expense voucher that, at time reservation was made, the accommodation, if superior to a standard lower berth, was the lowest first-class available," no change has been made with respect to the use of the cost of a lower berth as the standard for determining the lowest first-class rate for night travel. Hence, the cost of a lower berth still is considered as being the lowest first-class rate, as applied to sleeping-car accommodations, and when a lower berth is used for night travel no certificate with respect to any lower class of accommodations is required.

Respectfully,

(Signed) FRANK L. YATES

Acting Comptroller General  
of the United States



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